

LAW OFFICES OF G. OLIVER KOPPELL & ASSOCIATES
99 Park Avenue – 3rd Floor
New York, NY 10016
212-867-3838

G. Oliver Koppell
Daniel F. Schreck

Facsimile
(212) 681-0810

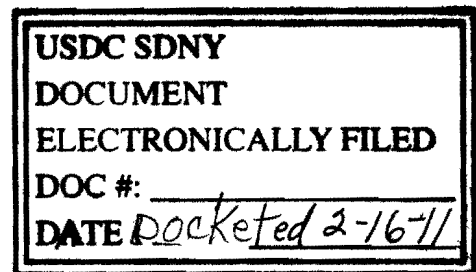
Website:
www.koppellaw.com

Of Counsel
Lorraine Coyle
John F. Duane

February 16, 2011

VIA FAX

Hon. P. Kevin Castel
United States District Court
Southern District of New York
500 Pearl St.
New York, New York 10007
Fax: 212-805-7949



Re: Cruz v. TD Bank, N.A.
Case No. 10-cv-08026

Dear Judge Castel,

We represent the Plaintiff and the putative class in the above captioned action. As per Your Honor's request at the conference held on February 14, 2011, the following is a list and brief status report regarding the other cases filed by Plaintiff's counsel in the Southern and Eastern Districts of New York concerning the Exempt Income Protection Act.

Southern District of New York

- 1) *Martinez et al v. Capital One Bank*, 10-cv-08028, assigned to the Hon. Richard J. Sullivan. The parties are in the process of completing the filing of pre-motion letters regarding Defendant's proposed Motion to Dismiss the Amended Complaint.
- 2) *Matin v. HSBC Bank*, 10-cv-08029, assigned to the Hon. Robert W. Sweet. Defendants have filed a Motion to Dismiss and for Summary Judgment with respect to the Amended Complaint. Plaintiff's counsel is negotiating a briefing schedule.
- 3) *Acevedo et al v. Citibank*, 10-cv-08030, assigned to the Hon. Paul G. Gardephe. An Amended Complaint was filed on February 14, 2011. Defendant's counsel is to notify the Court as to whether it is going to pursue a motion to dismiss and, if so, to propose a briefing schedule.

4) *Latimore et al v. Municipal Credit Union*, 10-cv-08031, assigned to the Hon. Denise Cote. Motion to Dismiss filed, Plaintiff's opposition due by February 28, 2011. Because of the unique factual circumstances of this case (the defendant is not a national bank, all account holders are NYC employees) the parties are contemplating dismissing this action and litigating in state court.

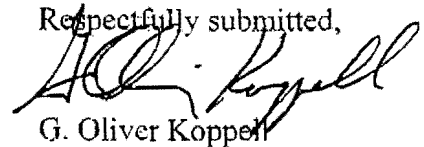
5) *Luciano v. Bank of America*, 10-cv-08032, assigned to the Hon. Colleen M. McMahon. Defendant to Move to Dismiss on or before March 1, 2011 to be followed by 30 days of discovery with respect to the Court's subject matter jurisdiction.

Eastern District of New York

6) *Olate v. JPMorgan Chase*, 10-cv-04853, assigned to the Hon. Frederic Block. Pre-motion letters filed with respect to Defendant's proposed motion to dismiss and a conference is scheduled for March 11, 2011.

Should the Court require any further information, please do not hesitate to contact the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "G. Oliver Koppel", written over the typed name.

G. Oliver Koppel

GOK/ds

G. OLIVER KOPPELL
99 Park Avenue, Suite 300
New York, NY 10016
212-867-3838
FAX NO. (212) 681-0810

FAX COVER SHEET

TO: Hon. P. Kevin Castel

DATE: February 16, 2011

FROM: Oliver Koppell, Esq.

PAGES INCL. COVER: 3

RE: Cruz, v. TD Bank

Fax: 212-805-7949

Letter